

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
ALLSTATE INSURANCE COMPANY, ALLSTATE :
INDEMNITY COMPANY, DEERBROOK INSURANCE :
COMPANY, ALLSTATE NEW JERSEY INSURANCE :
COMPANY AND ALLSTATE PROPERTY & :
CASUALTY INSURANCE COMPANY, :
:
Plaintiffs, :

-against- :

MARK MIRVIS, MARK LUPOLOVER, MICHAEL :
BEZENYAN, RUVEN KATZ, IGOR ZHURAVSKY, :
GEORGY STATNROSH a/k/a GARY STATNIGROSH :
a/k/a GREGORY STATNIGROSH, OCEAN L. :
MANAGEMENT GROUP INC., FLATLANDS BEST :
MANAGEMENT GROUP, INC., FLAT-80 :
MANAGEMENT, INC., NORTMED MANAGEMENT, :
INC., L&B MEDICAL, P.C., LAMED MEDICAL, P.C., :
825 BROADWAY MEDICAL, P.C., LAMED MEDICAL, :
P.C., GENERAL MEDICAL CARE, P.C., S&L :
MEDICAL, P.C., ZDR MEDICAL, P.C., DEL PRADO :
ONE, LLC, DEL PRADO TWO, LLC, DEL PRADO :
THREE, LLC, DEL PRADO FOUR, LLC, EL DORADO :
ONE, LLC, M&M OCEANFRONT, LLC, NE 10, LLC, :
NE 24, LLC, TROPICANA ONE, LLC, YAKOV :
RAUFOV, M.D., DALE ALEXANDER a/k/a :
ALEXANDER DALE, M.D., SOFIA BENTSIA NOV, :
M.D., EMMA BENJAMIN, M.D., AUDRE :
IVANUSHKIN a/k/a ANDREW IVANSON, M.D., LEV :
BENTSIA NOV, M.D., LEONID SLUTSKY, GARY :
TSIRELMAN, IRENA SHPERLING, M.D., LYUBOV :
MOYSIK, M.D., YEFIM SOSONKIN, GRIGORY :
SHTENDER, M.D., ZHANNA ROIT, M.D., RENAT :
SUKHOV, M.D., HUIKANG DANIEL LAI, M.D., JEAN :
FRANCOIS, M.D., JOHN DOES 1 THROUGH 20, ABC :
CORPORATIONS 1 THROUGH 20, AND XYZ :
CORPORATIONS 1 THROUGH 20, :
:

Defendants, :
:
----- X

ANSWER

Civil Action No. 08 – 4405

(Towns, J.)
(Pohorelsky, M.J.)

Defendant Dale Alexander, a/k/a Alexander Dale M.D., by his attorneys, Rubinstein & Corozzo LLP, responds to the correspondingly numbered paragraphs of the complaint dated October 30, 2008 (“Complaint”), and states the following upon information and belief:

1. Denies.
2. Denies.
3. Denies.
4. Denies.
5. Denies.
6. Denies.
7. Denies.
8. Denies, except lacks knowledge or information sufficient to form a belief as to what PCs defendant Slutsky has a financial or investment interest in.
9. Denies.
10. Denies.
11. Denies and refers to *State Farm v. Mallela*, 4 N.Y.3d 313; 827 N.E.2d 758 (2005) for proof of its contents.
12. Denies.
13. Denies and refers to New York Education Law § 6512 for proof of its contents.
14. Denies.
15. Denies.
16. Denies.
17. Denies.
18. Denies.

19. Denies.

20. Denies.

21. Denies.

22. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

23. Denies.

24. Denies.

25. Denies.

26. Denies.

27. Denies.

28. Denies.

29. Denies.

30. Denies.

31. Denies.

32. Denies.

33. Denies.

34. Lacks sufficient knowledge or information to form a belief as to the truth of the matters asserted.

35. Denies.

36. Denies.

37. Denies.

NATURE OF THE ACTION

38. Admits that Plaintiffs invoke 18 U.S.C. §§ 1961 *et seq.*, but deny its applicability.

NATURE OF RELIEF SOUGHT

- 39. Denies Plaintiffs are entitled to treble damages.
- 40. Denies Plaintiffs are entitled to injunctive relief.
- 41. Denies Plaintiffs are entitled to a declaratory judgment.
- 42. Denies Plaintiffs have suffered economic injuries.

THE PARTIES

43. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

44. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

45. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

46. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

47. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

48. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

49. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

THE DEFENDANT PCs

50. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

51. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

52. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

53. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

54. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

55. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

56. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

57. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

58. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

59. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

60. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

61. Denies, except lacks knowledge or information sufficient to form a belief as to whether 825 Broadway Medical Care, P.C. was incorporated on or about January 17, 2003, and

whether Dale Alexander M.D. became an owner of 825 Broadway Medical Care, P.C. on or about April 10, 2008.

62. Denies.

63. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

64. Denies.

THE MANAGEMENT COMPANY DEFENDANTS

65. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

66. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

67. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

68. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

69. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

70. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

71. Denies.

THE MONEY LAUNDERING COMPANY DEFENDANTS

72. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

73. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

74. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

75. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

76. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

77. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

78. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

79. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

80. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

81. Denies.

THE PRINCIPLE DEFENDANTS

82. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

83. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

84. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

85. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

86. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

87. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

THE LICENSED HEALTHCARE PROFESSIONAL DEFENDANTS

88. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

89. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

90. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

91. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

92. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

93. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

94. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

95. Denies, except lacks knowledge or information to form a belief as to whether in or about, April 10, 2008, Defendant Raufov's interest in 825 Broadway Medical P.C. was transferred without any consideration to Dale Alexander, M.D.

96. Denies.

97. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

98. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

99. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

100. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

101. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

102. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

103. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

104. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

105. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

106. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

107. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

108. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

109. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

110. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

111. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

112. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

113. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

114. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

115. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

116. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

117. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

118. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

119. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

120. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

121. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

122. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

123. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

124. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

125. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

126. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

127. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

128. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

THE JOHN DOE DEFENDANTS

129. Denies.

THE ABC CORPORATIONS

130. Denies.

THE XYZ CORPORATIONS

131. Denies.

JURISDICTION AND VENUE

132. Admits.

133. Admits.

134. Admits.

135. Admits.

FACTUAL BACKGROUND

136. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

137. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

138. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

139. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

140. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

141. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

142. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

143. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

144. Denies.

145. Denies.

146. Denies.

147. Denies.

148. Denies.

149. Denies.

150. Denies.

151. Denies.

152. Denies.

153. Denies.

154. Denies.

155. Denies.

156. Denies.

157. Denies.

158. Denies.

159. Denies.

160. Denies

161. Denies.

162. Denies.

163. Denies.

164. Denies.

165. Denies.

166. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

167. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

168. Denies.

169. Denies.

170. Denies.

A CENTRALIZED SCHEME TO DEFRAUD

171. Denies.

172. Denies.

173. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

174. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

175. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

176. Denies.

177. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

178. Denies.

179. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

180. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

181. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

182. Denies.

DEFENDANTS' MEDICAL CLINIC SCHEME

183. Denies.

184. Denies.

185. Denies.

186. Denies.

187. Denies.

188. Denies.

189. Denies.

190. Denies.

191. Denies.

192. Denies.

193. Denies.

194. Denies.

195. Denies.

196. Denies.

THE MECHANICS OF THE SCHEME TO DEFRAUD

197. Denies.

198. Denies.

199. Denies.

200. Denies.

201. Denies.

202. Denies.

203. Denies.

204. Denies.

THE ELECTRODIAGNOSTIC SCHEME TO DEFRAUD

205. Denies.

206. Denies.

207. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

208. Denies.

209. Denies.

210. Denies.

211. Denies.

212. Admits.

213. Denies.

214. Denies.

215. Denies.

216. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

217. Denies.

218. Denies.

219. Denies.

220. Denies, accept lacks knowledge or information sufficient to form a belief as to the veracity of the generally accepted peer reviewed study “Significance of Symptoms and Signs in Localization of Involved Root in Cervical Disk Protrusion.”

221. Denies.

222. Denies.

223. Denies.

224. Denies.

225. Denies.

226. Denies.

227. Denies.

228. Denies.

229. Denies.

230. Denies.

231. Denies.

232. Denies.

233. Denies.

234. Denies.

235. Denies.

236. Denies.

237. Denies.

238. Denies.

239. Denies.

240. Denies.

241. Denies.

242. Denies.

243. Denies.

244. Denies.

245. Denies.

246. Denies.

247. Denies.

248. Denies.

249. Denies.

250. Denies.

251. Denies.

252. Denies.

253. Denies.

254. Denies.

255. Denies.

256. Denies.

257. Denies.

258. Denies.

259. Denies.

260. Denies.

261. Denies.

262. Denies.

263. Denies.

264. Denies.

265. Denies.

266. Denies.

267. Denies.

268. Denies.

269. Denies.

270. Denies.

271. Denies.

272. Denies.

273. Denies.

274. Denies.

275. Denies.

276. Denies.

277. Denies.

278. Denies.

279. Denies.

280. Denies.

281. Denies.

282. Denies.

283. Denies.

284. Denies.

285. Denies.

286. Denies.

287. Denies.

288. Denies.

289. Denies.

290. Denies.

291. Denies.

292. Denies.

293. Denies.

294. Denies.

295. Denies.

296. Denies.

297. Denies.

298. Denies.

EMG FRAUD

299. Denies.

300. Denies.

301. Denies.

302. Denies.

303. Denies.

304. Denies.

305. Denies.

306. Denies.

307. Denies.

308. Denies.

309. Denies.

310. Denies.

311. Denies.

312. Denies.

313. Denies.

314. Denies.

315. Denies.

316. Denies.

317. Denies.

318. Denies.

319. Denies.

320. Denies.

321. Denies.

322. Denies.

323. Denies.

324. Denies.

325. Denies.

326. Denies.

327. Denies.

328. Denies.

329. Denies.

330. Denies.

331. Denies.

332. Denies.

333. Denies.

334. Denies.

335. Denies.

336. Denies.

337. Denies.

338. Denies.

339. Denies.

340. Denies.

341. Denies.

342. Denies.

343. Denies.

THE RANGE OF MOTION SCHEME TO DEFRAUD

344. Denies.

345. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

346. Denies.

347. Denies.

348. Denies.

349. Denies.

350. Denies.

351. Denies.

352. Denies.

353. Denies.

354. Denies.

355. Denies.

356. Denies.

357. Denies.

358. Denies.

359. Denies.

360. Denies, accept lacks knowledge or information sufficient to form a belief as to the veracity of the generally accepted peer reviewed study "Evaluation of neck muscle strength with a modified sphygmomanometer dynamometer: reliability and validity."

361. Denies.

362. Denies.

THE SYNAPTIC SCHEME TO DEFRAUD

363. Denies.

364. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

365. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

366. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

367. Denies.

368. Denies.

369. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

370. Denies.

371. Denies.

372. Denies.

373. Denies.

374. Denies.

375. Denies.

376. Denies.

377. Denies.

378. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

379. Denies.

380. Denies.

381. Denies.

THE MEDICAL PROVIDERS

382. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

383. Denies.

384. Denies.

385. Denies.

386. Denies.

387. Denies.

388. Denies.

389. Denies.

390. Denies.

391. Denies.

392. Denies.

393. Denies.

394. Denies.

395. Denies.

396. Denies.

397. Denies.

398. Denies.

399. Denies.

400. Denies.

401. Denies.

402. Denies.

403. Denies.

404. Denies.

DEFENDANT'S MONEY LAUNDERING SCHEME

405. Denies.

406. Denies.

407. Denies.

408. Denies.

409. Denies.

410. Denies.

411. Denies.

412. Denies.

413. Denies.

STATEMENT OF CLAIMS

FIRST CLAIM FOR RELIEF AGAINST ALL DEFENDANTS

414. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

415. Denies.

416. Denies.

417. Denies.

418. Denies.

419. Denies.

420. Denies.

THE PATTERN OF RACKETEERING ACTIVITY

421. Denies.

422. Denies.

423. Denies.

424. Denies.

425. Denies.

426. Denies.

427. Denies.

DAMAGES SUSTAINED BY ALLSTATE

428. Denies.

429. Denies.

SECOND CLAIM FOR RELIEF

430. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

431. Denies.

432. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

433. Denies.

434. Denies.

435. Denies.

436. Denies.

THE DAMAGES

437. Denies.

438. Denies.

THIRD CLAIM FOR RELIEF

439. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

440. Denies.

441. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

442. Denies.

443. Denies.

444. Denies.

445. Denies.

THE DAMAGES

446. Denies.

447. Denies.

FOURTH CLAIM FOR RELIEF

448. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

449. Denies.

450. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

451. Denies.

452. Denies.

453. Denies.

454. Denies.

THE DAMAGES

455. Denies.

456. Denies.

FIFTH CLAIM FOR RELIEF

457. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

458. Denies.

459. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

460. Denies.

461. Denies.

462. Denies.

463. Denies.

THE DAMAGES

464. Denies.

465. Denies.

SIXTH CLAIM FOR RELIEF

466. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

467. Denies.

468. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

469. Denies.

470. Denies.

471. Denies.

472. Denies.

THE DAMAGES

473. Denies.

474. Denies.

SEVENTH CLAIM FOR RELIEF

475. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

476. Denies.

477. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

478. Denies.

479. Denies.

480. Denies.

481. Denies.

THE DAMAGES

482. Denies.

483. Denies.

EIGHTH CLAIM FOR RELIEF

484. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

485. Denies.

486. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

487. Denies.

488. Denies.

489. Denies.

490. Denies.

THE DAMAGES

491. Denies.

492. Denies.

NINTH CLAIM FOR RELIEF

493. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

THE RICO ENTERPRISE

494. Denies.

495. Denies.

THE PATTERN OF RACKETEERING ACTIVITY: RACKETEERING ACTS

496. Denies.

497. Denies.

498. Denies.

499. Denies.

THE DAMAGES

500. Denies.

501. Denies.

TENTH CLAIM FOR RELIEF

502. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 501 with the same force and effect as though fully set forth herein.

THE RACKETEERING CONSPIRACY

503. Denies.

504. Denies.

505. Denies.

506. Denies.

THE DAMAGES

507. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 506 with the same force and effect as though fully set forth herein.

**ELEVENTH CLAIM FOR RELIEF
(Common Law Fraud)
(Fraudulent Incorporation of the Defendant PCs)**

508. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

509. Denies and refers to New York State Business Corporation Law § 1504(a) for proof of its contents.

510. Denies and refers to New York State Business Corporation Law § 1504(c) for proof of its contents.

511. Denies and refers to New York State Business Corporation Law § 1507 for proof of its contents.

512. Denies and refers to New York State Business Corporation Law § 1508 for proof of its contents.

513. Denies and refers to New York State Business Corporation Law § 1503(b) for proof of its contents.

514. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

515. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

516. Denies.

517. Denies.

518. Denies.

519. Denies.

520. Denies.

521. Denies.

522. Denies.

523. Denies.

524. Denies.

525. Denies.

526. Denies.

527. Denies and refers to Department of Insurance Regulations, 11 NYCRR 65 – 3.16(a)(12) and 11 NYCRR 65 – 3.16(a)(6) for proof of its contents.

528. Denies.

529. Lacks knowledge or information sufficient to form a belief as to the truth of the matters asserted.

530. Denies.

531. Denies.

532. Denies.

533. Denies.

534. Denies.

535. Denies.

536. Denies.

537. Denies.

538. Denies.

539. Denies.

TWELFTH CLAIM FOR RELIEF
(Common Law Fraud)

540. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

541. Denies.

542. Denies.

543. Denies.

544. Denies.

545. Denies.

546. Denies.

547. Denies.

548. Denies.

549. Denies.

550. Denies.

THIRTEENTH CLAIM FOR RELIEF
(Unjust Enrichment/Restitution)

551. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

552. Denies.

553. Denies.

554. Denies.

FOURTEENTH CLAIM FOR RELIEF
(Injunctive Relief)

555. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

556. Denies.

557. Denies.

558. Denies.

559. Denies.

560. Denies.

561. Denies.

562. Denies.

563. Denies.

564. Denies.

565. Denies.

**FIFTEENTH CLAIM FOR RELIEF
(Declaratory Judgment)
(Corporate Practice of Medicine)**

566. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

567. Denies.

568. Denies.

569. Denies.

570. Denies.

571. Denies.

**SIXTEENTH CLAIM FOR RELIEF
(Declaratory Judgment)**

572. Defendant reasserts and realleges its responses to the allegations set forth in paragraphs 1 – 413 with the same force and effect as though fully set forth herein.

573. Denies.

AS AND FOR A FIRST DEFENSE

The Complaint, in whole or in part, fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND DEFENSE

Any loss sustained by Plaintiffs was due to the negligence of the Plaintiffs or some other third party over whom Dale Alexander exercised no control.

AS AND FOR A THIRD DEFENSE

Plaintiff's Complaint is barred by the doctrine of estoppel.

AS AND FOR A FOURTH DEFENSE

Plaintiff's Complaint is barred by the doctrine of laches.

AS AND FOR A FIFTH DEFENSE

Plaintiff's Complaint is barred by the doctrine of set-off.

AS AND FOR A SIXTH DEFENSE

Plaintiff's Complaint is barred by the applicable statute of limitations.

AS AND FOR A SEVENTH DEFENSE

Plaintiff's Complaint is barred by the doctrine of unclean hands.

WHEREFORE, defendant Dale Alexander demands judgment in his favor and against the Plaintiffs dismissing the Complaint with prejudice, together with costs.

Rubinstein & Corozzo, LLP
Attorneys for *Dale Alexander*
260 Madison Avenue, 22nd Floor
New York, New York 10016

DATED: January 5, 2008

By: JOSEPH R. COROZZO, ESQ.